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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,628	06/26/2003	Wolfgang Diemer	440757/PALL	3381

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EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary**Application No.**

10/603,628

Applicant(s)

DIEMER ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,12-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,11,17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election with traverse of Group I in the response filed on July 2, 2004 is acknowledged. Applicant's election of: non-woven fabric as the porous component species; absorbent (adsorbent) as the treatment material species; and pressure gradient as the introducing species is further acknowledged.

The traversal is on the grounds examination of the entire application would not constitute a serious burden upon the examiner, as set forth in M.P.E.P. § 803. This is not found persuasive because the searches for the individual Groups are clearly divergent, as explained in the previous Office Action, and the additional searches required for the non-elected invention of Group II and/or the non-elected species would constitute a serious burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL. Claims 12-16 are withdrawn from further consideration, as being directed to a non-elected invention; and claims 9, 10 and 18 are withdrawn from further consideration, as being directed to non-elected species.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11, 17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Holland (U.S. Patent No. 5,908,558). The reference discloses a module for treating fluid comprising a plurality of stacked cells, each cell having "sheet-like" porous components formed from non-woven fabric (see col. 11, lines 28-30) delimiting an inner space, which inner space is at least partially filled with a treatment material comprising an adsorbent (see col. 14, lines 24-28); and this is all that is required by claims 1-7, 11, 17 and 19-24. Applicant should note that

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the manner in which the treatment material is introduced into the cells (claims 22 and 24) is not an apparatus limitation, and hence cannot be given weight in determining patentability of the elected claims.

Claims 1-4, 6-8, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gershon et al. (U.S. Patent No. 5,427,683). The reference discloses a module for treating fluid comprising a plurality of stacked cells, each cell having "sheet-like" porous components delimiting an inner space (see Fig. 5), which inner space is at least partially filled with a treatment material comprising an adsorbent (see col. 5, lines 19-20) having the recited particle size (see col. 9, lines 54-57); and this is all that is required by claims 1-4, 6-8, 11 and 17.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holland in view of Gershon et al. Holland discloses the claimed invention with the exception of the size of the adsorbent particles in each cell. Gershon et al. teaches that adsorbent particles having the recited size (see col. 9, lines 54-57) are capable of purifying fluids. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ adsorbent particles having the size recited in claim 8 in the system of the primary reference (see col. 14, lines 24-28), in view of the teaching by the secondary reference that such adsorbent particles are typically used in fluid purification devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
September 16, 2004